

## **II. RESPONSE TO RESTRICTION REQUIREMENT**

The Examiner has withdrawn claims 8, 10-11 and 16-20 from consideration as drawn to a non-elected invention. Applicants respectfully traverse the restriction requirement because the invention recited in claims 1-3 and 6 and the invention recited in claims 8, 10-11 and 16-20 are neither independent nor distinct. 37 C.F.R. § 1.142 and MPEP § 803.

Independent claim 16 is substantially identical to original claim 1 and simply adds the limitation “a spindle assembly rotatably mounted on said kingpin.” The inventions defined by original claim 1 and claim 16 are, therefore, not independent of one another, but rather are related as subcombination (original claim 1) and combination (claim 16).

To show that a subcombination and combination are distinct, the Examiner is required to show that the combination, as claimed:

(1) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and

(2) the subcombination can be shown to have utility either by itself or in other and different relations

....

When these factors cannot be shown, such inventions are not distinct.

MPEP 806.05(c). Applicants respectfully submit that the Examiner has made no such showing and indeed cannot do so. In particular, the combination (claim 16) clearly does require the particulars of the subcombination for patentability. The only additional limitation set forth in claim 16 is “a spindle assembly rotatably mounted on said kingpin.” Standing alone, this limitation would not define a patentable invention. It is only in combination with the subcombination set forth in original claim 1 through which claim 16 defines a patentable claim.

Finally, even if the Examiner could establish that the inventions recited in original claim 1 and claim 16 were distinct, the Examiner is required to show “by appropriate explanation” that the inventions are separately classified, have a separate status in the art, or require a different field of search. MPEP § 808.02. Applicants respectfully submit that the Examiner’s statement that it “would require a new search” does not meet these requirements and render it difficult for Applicants to respond. Accordingly, Applicants request that the Examiner provide a detailed explanation for the restriction requirement if the Examiner elects to maintain the requirement.

Because the invention recited in claim 16 is not independent or distinct with respect to the invention recited in original claim 1, Applicants respectfully submit that the restriction requirement is improper. Applicants request that the requirement be withdrawn and that claims 8, 10-11, and 16-20 be examined on the merits.

### **III REJECTION OF CLAIMS 1 AND 3-6 UNDER 35 U.S.C. § 102(B)**

Claims 1-3, and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pollock et al. (U.S. Patent No. 5,269,546). Applicants respectfully submit that the rejection of claims 1-3 and 6 under 35 U.S.C. § 102(b) is improper because Pollock et al. do not disclose or suggest all of the limitations recited in the claims In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claim 1 recites a steer axle assembly including an axle beam disposed about a longitudinal axis and an inverted knuckle yoke having a body portion

and first and second arms extending from the body portion and configured to receive a kingpin, with the body portion coupled to an external surface of the axle beam and “disposed on only one side of said longitudinal axis of said axle beam.” Applicants respectfully submit that Pollock et al. does not disclose or suggest a steer axle assembly meeting the above-recited limitations.

Pollock et al. discloses a steer axle assembly having an axle beam 20 disposed about an axis 24. At either end of the axle beam, a self steering assembly 30 is mounted consisting of a kingpin arm unit 32, a clevis link 34 and a spindle unit 36. Col. 2, lines 62-66. The Examiner has identified the kingpin arm unit 32 as corresponding to the inverted knuckle yoke recited in the claims. As shown in clearly in Figure 3, however, the kingpin arm unit 32 of Pollock et al. does not include “first and second arms extending from said body portion, said first and second arms configured to received a kingpin” as recited in claim 1. Rather, kingpin arm unit 32 has a body 72 that defines a collar 60 that is disposed about the axle 20 and a second collar 74 configured to receive the kingpin. Figure 3, col. 23-39. Thus, the kingpin arm unit 32 cannot meeting the limitation of having first and second arms configured to receive the kingpin as recited in claim 1. Further, the kingpin arm unit is not “disposed on only one side of said longitudinal axis of said axle beam” as recite in claim 1 because collar 60 encircles the axle beam 20. Id. Applicant notes that the clevis 34 includes a body portion and first and second arms 90, 94 configured to receive the kingpin. The clevis, however, is not coupled to an external surface of the axle beam 20 and , as shown in Figure 1, the arms 90, 94 clevis 34 are nevertheless intersected by axis 24 of beam 20 wherein clevis 34 is coupled to spindle unit 36 using retaining pin 128.

Because Pollock et al. does not disclose or suggest all of the limitations recited in independent claim 1, Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 102(b) is improper and request that the rejection be withdrawn. Further, because each of claims 2-3 and 6 depend from independent claim 1, Applicants submit that the rejection of claims 2-3 and 6 under 35 U.S.C. § 102(b) is also improper and request that the rejection be withdrawn.

## **VI. CONCLUSION**

For the above cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,



William F. Kolakowski III  
Registration No. 41908  
Customer No. 26,127  
DYKEMA GOSSETT PLLC  
39577 Woodward Ave., Ste. 300  
Bloomfield Hills, MI 48304  
(248) 203-0822  
Attorney for Applicant